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84. (New) The display apparatus of Claim 81, wherein at least one of the electron-emitting devices comprises carbon.

REMARKS

Claims 1-43, 56-67, and 69-84 are now pending in this application. Claims 56 and 58 have been amended,² and Claims 69-84 have been added to provide Applicants with a more complete scope of protection. The changes made to Claims 56 and 58 have been made to even further clarify the claimed subject matter, and have not been made for purposes related to patentability.

Paragraph 4 of the Office Action states that the "reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application . . . as required by 37 C.F.R. 1.75(a)(1)." Paragraph 4 supports this statement by asserting that "[t]he statement that claims 43-63 should have been included in the patent, or could have been presented is inadequate to

2/ The last paragraph of Claim 56 has been amended herein to clarify that a space between the electron source plate and the fluorescent device plate is maintained in a vacuumized condition by a housing, and the signal applier is disposed outside of the housing. By virtue of such an arrangement, it is possible to narrow the space between the electron source and fluorescent device plate. As a result, the spot size of an electron beam can be made small. When using the small spot size electron beam in the matrix-drive display, overlapping of two electron beam spots for neighboring pixels is avoided so that a color mixture due to overlapping electron beam spots does not occur. Support for the amendment to Claim 56 is found in the specification and drawings as originally filed, at least at page 21, lines 39-44 and 55-57. Claim 58 has been amended to recite that the electron emission region comprises a conductive region and an insulating region so that the electrical discontinuity takes place between the conductive region and the insulating region.

satisfy the requirement of the rule[, s]pecific changes with respect to the claims must be identified[, and w]here new claims are presented, the differences between the new claims and the patent claims must be identified." Paragraph 4 of the Office Action further states that the original reissue declaration filed on December 22, 1999 does not cover the errors/defects corrected by the amendments "filed 10/16/00, 10/26/00, 4/9/01, and 4/26/01", in accordance with 37 C.F.R. § 1.175(b) and MPEP § 1444. In Paragraph 5 of the Office Action, Claims 1-42 and 56-67 were rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251.

The comments set forth in paragraphs 4 and 5 of the Office Action have been carefully considered in view of 37 C.F.R. § 1.175(a)(1). While Applicants strongly believe that the reissue declaration originally filed in this application on December 22, 1999 complied fully with the requirements of 37 C.F.R. § 1.175 (a)(1), and without conceding that the original reissue declaration is defective, attached hereto is a Supplemental Reissue Declaration For Reissue Patent Application (37 C.F.R. 1.175) And Power Of Attorney (hereinafter "the Supplemental Reissue Declaration"), which has been executed by the inventors. The Supplemental Reissue Declaration includes language along the lines of that discussed in a telephone conversation conducted between the Examiner and Applicants' representative on or about November 30, 2001.³ During that conversation,

3/ The Examiner is sincerely thanked for his courtesies extended to Applicants' representatives during the telephone conversation, and for his helpful advice regarding the Supplemental Reissue Declaration. The Examiner also is thanked for the courtesies he extended to Applicants' representative in a telephone conversation conducted on May 10, 2001. As noted in paragraph 3 of the Office Action, during that conversation, Applicants' (continued...)

the Examiner tentatively agreed that language along the lines set forth in the attached Supplemental Reissue Declaration would overcome the issues raised in paragraph 4 of the Office Action and the rejection of Claims 1-42 and 56-67 set forth in paragraph 5 of the Office Action.⁴ Accordingly, in view of the attached Supplemental Reissue Declaration, which sets forth language along the lines tentatively agreed to by the Examiner, it is respectfully requested that the issues and rejection set forth in paragraphs 4 and 5, respectively, of the Office Action, be withdrawn.

Paragraph 6 of the Office Action states that the application is objected to under 37 C.F.R. § 1.172(a) because the Assignee has not established its ownership interest in the patent for which a reissue is sought. In particular, the Office Action states that nothing in the record indicates that the party who signed the Assent Of Assignee To Reissue Under 37 C.F.R. § 1.172 and Assignee Statement Under 37 C.F.R. § 3.73(b) originally filed in this application, is an appropriate party to sign on behalf of the Assignee.

Applicants respectfully submit that signatory of the originally filed Assent

3/ (...continued)

representative noted to the Examiner that footnote 2 on page 8 of the Supplemental Amendment filed on April 26, 2001, and the last, non-full paragraph appearing on page 8 of the Amendment filed on March 28, 2001, incorrectly stated that MPEP 1412.02 "explicitly states", as a result of an inadvertent error. Applicants' representative apologizes for that error, and notes that the applicable portions of those amendments merely paraphrased Applicants' understanding of a portion of MPEP 1412.02.

4/ See, in particular, paragraph 5 of the attached Supplemental Reissue Declaration, for a statement regarding an error upon which the present reissue application is based, and paragraph 6 of the Supplemental Reissue Declaration for a declaration that every error corrected in the present reissue application, and which was not covered by prior declarations, arose without any deceptive intention on the part of Applicants.

Of Assignee To Reissue Under 37 C.F.R. § 1.172 and Assignee Statement Under 37 C.F.R. § 3.73(b) is empowered to sign on the Assignee's behalf. Nonetheless, without conceding the propriety of objection to the application under 37 C.F.R. § 1.172(a), submitted herewith are supplemental Assignee Statement Under 37 C.F.R. § 3.73 (b) and Assent Of Assignee To Reissue Under 37 C.F.R. § 1.172 forms, each of which has been executed by a person empowered to sign on the Assignee's behalf. Evidence of that empowerment is set forth in the second paragraph of each form, wherein it is stated that "The undersigned (whose title is supplied below) is empowered to sign on behalf of [Assignee]". That statement in each form is believed to be in accordance with MPEP § 324 (see, e.g., page 300-19, second column, section (B) of the MPEP dated August 2001), and those forms are therefore believed to sufficiently establish Assignee's consent to the present reissue application. Accordingly, withdrawal of the objection to the application under 37 C.F.R. § 1.172(a) is respectfully requested.

In view of the foregoing comments and attached submissions, it is believed that all of the outstanding issues set forth in the Office Action regarding Claims 1-42 and 56-67 have been overcome, and that those claims are therefore in condition for allowance.

Independent Claim 69 has been added herein, and is directed to a display apparatus comprising a housing for maintaining a vacuumized condition in a space between an electron source plate and a fluorescent device plate having a fluorescent layer and an acceleration electrode. The electron source plate has a plurality of electron-emitting devices arranged in a matrix of rows and columns and a matrix configuration of row wires and column wires respectively corresponding to the rows and columns of the electron-

emitting devices arranged in the matrix. A signal applier is disposed outside of the housing for applying (1) a scan signal to the row wires, (2) a modulation signal to column wires, and (3) an acceleration voltage to the acceleration electrode to accelerate electrons emitted from the electron-emitting devices toward the fluorescent layer of the fluorescent device plate.

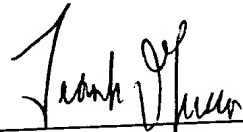
Applicants respectfully submit that the art of record is not seen to teach or suggest a display apparatus having all of the features as recited in Claim 69, and that the claim is therefore believed to be allowable over that art. Added Claims 70-84 each depend from independent Claim 69, and also are believed to be allowable over the art of record, at least for the reason that each claim depends from an allowable base claim. Since each of those dependent claims is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Applicants plan to file a supplemental Information Disclosure Statement in this application shortly. Accordingly, if the Examiner takes this case up for action before receiving that paper, he is respectfully requested to contact Applicants' undersigned representative.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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